

- Job duties require employee to be involved in patient care, specifically including dispatchers, 911 operators, EMTs, paramedics, nurses, physicians, counselors, or other certified or licensed health care workers.
- Job duties require employee to be prepared to use and have access to a firearm, weapon, or other less lethal device.
- Job duties require employees to come into regular contact with known drug users or traffickers.
- Job duties require employees to routinely handle illegal substances in the course and scope of their employment.
- Job duties require employee to be prepared to use and have access to instruments capable of inflicting temporary physical incapacity, such as batons, stun sprays or stun guns.
- Job duties require employee to have access to confidential law enforcement information. This category includes those persons who are law enforcement officers and includes those employees who are not law enforcement officers, but whose job duties in support of law enforcement cause the employee to have access to confidential law enforcement information such as, but not limited to, employees who render IT services or employees who have access to NCIC, SLED or other restricted law enforcement agency data.
- Job duties require employee to come into physical contact at any time with persons who have been delivered to the County Detention Center for detention, even when the physical contact takes place at a location other than the County Detention Center. This category includes correctional officers and includes those employees who are not correctional officers, but who come into physical contact with detained persons.
- Job duties require employee to regularly be involved with or supervise minors.
- All promotion applicants who are being considered for the promotion to a Special Need position.
- All Department of Transportation (DOT) regulated employees are considered to hold positions presenting Special Need and are subject to testing pursuant to 49 CFR Part 382.

Alcohol Use and Alcohol Testing

The abuse and misuse of alcohol is a very serious problem and is especially dangerous in the workplace. The County is committed to maintaining a safe and productive work environment.

It is the policy of the County to establish and maintain alcohol-free workplaces, to comply with applicable government regulations, and to prohibit the unauthorized, improper, or unlawful use of alcohol on County premises or time. Any employee reporting to work under the influence of alcohol is subject to discipline up to and including termination.

General Rules. Effective immediately, all employees of the County are prohibited from using or possessing alcoholic beverages on County premises or time, except for business meeting or conferences specifically approved by the County Administrator. (The term "County premises or time" includes: County vehicles and private vehicles on County premises; parking lots and recreation areas; and any circumstances in which an employee is representing the County, such as attending off-premises business meetings or conferences.) Furthermore, all employees of the County are prohibited from reporting to or being at work while under the influence of alcohol. (An employee shall be considered to be "under the influence of alcohol" if s/he has any detectable amount of alcohol in his/her system as confirmed by a breathalyzer or blood sample.)

Current Employees. An employee exhibits: (i) any one of the following and at least one other fact from the Reasonable Suspicion list in the next section are present; or (ii) more than one of the following:

- Extreme mood swings;
- Slurred speech;
- Unusual clumsiness;
- Staggering;
- Dilated pupils;
- Lethargy or sleeping on the job;
- Unexplained excessive sweating;
- Other behavior that is aberrational for the employee.
- The employee is involved in a non-vehicular incident during the employee's work period for which: (i) the employee is treated by a licensed healthcare provider; or (ii) there is a fatality or bodily injury to the employee or anyone else; or (iii) there is property damage reasonably believed at the time of the incident to be in excess of \$1,000.
- The employee is involved in a vehicular incident in which a County on- or off-road vehicle (including heavy equipment) is involved.

Reasonable Suspicion. Effective immediately, all employees will be subject to alcohol testing where "reasonable suspicion" of alcohol use in violation of this policy exists. Reasonable suspicion is deemed to exist when:

- Information that an employee has used or possessed alcohol in violation of this policy is provided by a reliable informant.
- A serious incident occurs.
 - "Serious incident" is defined as: 1) an incident involving a fatality; 2) an incident causing bodily injury to the employee or any other person which requires medical care away from the scene of the incident; 3) an incident causing total aggregate property damage of \$1,000 or more based on reliable estimates; or 4) an incident involving one or more vehicles which results in one of the vehicles having to be towed from the scene by a tow truck or other vehicle.
- An employee exhibits behavior consistent with alcohol use such as but not limited to:
 - Erratic behavior (mood swings, slurred speech, staggering, bloodshot eyes, sleeping on the job or lethargy, excessive unexplained sweating, etc.);
 - The apparent odor of an alcoholic beverage on an employee's breath;
 - Other aberrational behavior for the employee such as but not limited to excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc;
 - An employee has admitted violating the County's alcohol policy;
 - An employee is arrested for or convicted of an alcohol-related offense; or
 - An employee has tested positive for alcohol in violation of this policy within the past two years.

Alcohol testing based on Reasonable Suspicion shall not occur absent authorization from the Human Resources Director or Risk Services Director or, in their absence, Deputy Administrator, Administrator or Administrator's designee, except in the "serious incident" circumstances set forth above for which approval is not required.

If an employee refuses to submit to an alcohol test when directed to do so, the employee shall be terminated.

Testing Procedure. Employees will have an opportunity to provide any information which

they consider to be relevant to the test. Alcohol tests will be conducted to determine if an employee has violated this policy. The County shall use only DOT approved non-evidential screening devices and DOT approved evidential breath testing (EBT) devices for alcohol testing. A non-evidential screening device will normally be utilized to initially determine compliance with this policy. If the screening device indicates the presence of alcohol, or if the results of the screening device are deemed questionable by the County, then a confirmatory test will be conducted utilizing an EBT device. The EBT confirmatory test will be conducted by an individual properly certified to use the equipment. (In situations involving DOT regulated employees, the EBT operator will be properly certified in accordance with applicable DOT regulations.) A confirmatory test result generated through the use of an EBT which indicates a presence of alcohol in violation of this policy will be conclusive for purposes of this policy.

Notice To Employees. As a condition of employment, employees agree to notify the Human Resources Director within five calendar days after any arrests for alcohol-related violations and after any criminal convictions for alcohol-related offenses. The County shall notify all state and federal grantors/contracting agencies of such employee convictions or positive test results as required by the state, federal regulations and Workplace Acts. "Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty. "Arrest" means being issued or served with a charging document to include but not limited to: uniform traffic ticket, arrest warrant, grand jury indictment, or prosecutor's direct indictment. The Human Resources Director shall be notified whenever it appears that alcohol has been found in the workplace to include but not limited to workspaces, vehicles or equipment.

Consequences of Violating This Policy. The County shall terminate an introductory employee who violates this policy. The County shall impose discipline up to and including termination for a non-introductory employee who violates this policy. The County, in lieu of terminating an employee who has violated this policy, may suspend the employee and condition the employee's continued or future employment upon the successful completion of an alcohol counseling/rehabilitation program. If the County, after considering all of the relevant circumstances, allows an employee who has violated this policy to continue as a County employee, the County will do the following:

- Refer the employee under DOT guidelines to a Substance Abuse Professional for assessment and require the employee to follow the SAP's prescribed program of

counseling/treatment and testing recommendations. Refer an employee not under DOT guidelines to a certified addictions counselor for assessment and require the employee to follow the prescribed program of counseling/treatment and testing recommendations;

- Require the employee to authorize the Employee Assistance Program or other facility to report periodically to the County during the course of counseling/treatment;
- Retest the employee for alcohol use in violation of this policy before allowing the employee to return to duty;
- Place the employee on probation for at least six months following the employee's return to duty;
- Require the employee to submit to unannounced follow-up alcohol testing for a period not to exceed five years according to the recommendations and clinical guidance of the service provider (EAP) or other facility professional. (The employee will be solely responsible for the total cost of all follow-up alcohol tests conducted pursuant to this policy.)

Employees who are offered participation in this program will be required to provide an authorization under HIPAA for the provider to release all test results and recommendations to the County. Without this authorization, employees will not be considered for the program. Should an employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program refuse or fail to participate in a single counseling or treatment session, the employee will be terminated. An employee whose return-to-duty alcohol test indicates that the employee is in violation of this policy will be terminated.

Coming Forward With Alcohol Abuse Problems. Employees who have alcohol abuse problems and report them to the Human Resources Director before being selected for testing, and before the occurrence of an event which normally would result in testing, normally will not be disciplined but will be subject to the program set out in the bulleted list immediately above titled “Consequences of Violating this Policy.” If an employee admits to a violation of this policy or tests positive for use of alcohol in violation of this policy, but seeks counseling and remains an employee of the County, the employee will be discharged if s/he again either admits to a violation of this policy or tests positive for alcohol in violation of this policy.

Confidentiality. Alcohol testing results will be considered as a medical record and will kept separate from the personnel file. Pursuant to the provisions of the Americans with Disabilities Act

and other state and federal statutes and regulations, the results will be maintained as confidential unless otherwise permitted to be disclosed.

Testing Costs. The County will pay the costs of all alcohol tests to which the County requires an employee to submit. However, the employee will be solely responsible for the total cost of all follow-up alcohol tests conducted pursuant to the program set out in the bulleted list in the section of this Policy titled “Consequences of Violating this Policy.”

Employee Assistance Program. In order to prevent the negative effects of alcohol abuse, The County has implemented the above policy and made available to its employees an Employee Assistance Program. The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations.

Periodically, the County will make information available to employees regarding alcohol abuse. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material. Information about the Employee Assistance Program is available through the County Human Resources Department or the Tri-County Commission on Alcohol and Drug Abuse (also known as the Dawn Center).

The abuse of alcohol is a serious threat to our nation's collective health, safety, and welfare. Alcohol use in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of alcohol use and abuse, the County has implemented this policy. If you feel that you have a substance abuse problem, you need to get help. For additional information on where to obtain treatment or assistance for drug or alcohol problems, contact the organizations set forth below. These organizations are most helpful, as are Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) in identifying sources for treatment and assistance. Set forth below is a list of organizations that may provide information or referrals.

1. Tri-County Commission on Alcohol & Drug Abuse (The Dawn Center)
(803)-536-4900
2. South Carolina Department of Alcohol and Other Drug Abuse Services
<https://www.daodas.sc.gov/>
(803)-896-5555